

ESTTA Tracking number: **ESTTA387871**

Filing date: **01/11/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Young Money Entertainment, LLC
Granted to Date of previous extension	01/12/2011
Address	c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036 UNITED STATES
Correspondence information	Brad D. Rose, Esq. Pryor Cashman LLP 7 Times Square, New York, NY 10036 UNITED STATES pzylberg@pryorcashman.com, tmdocket@pryorcashman.com Phone:212 - 326 0875

Applicant Information

Application No	77878225	Publication date	09/14/2010
Opposition Filing Date	01/11/2011	Opposition Period Ends	01/12/2011
Applicant	Brownlee, Anthony, D 849 rose ave long beach, CA 90813 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring music and videos


Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	YOUNG MONEY ENTERTAINMENT
Goods/Services	Musical recordings and entertainment services in cls. 9 and 41

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Design Mark			
Goods/Services	Musical recordings and entertainment services in cls. 9 and 41		

Attachments	Young Money Stylized -Final5.jpg Young Money Opposition.PDF (8 pages)(96351 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/bdr/
Name	Brad D. Rose, Esq.
Date	01/11/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application

Serial No. 77/878,225

for the mark

YM YOUNG MONEY ENTERTAINMENT Stylized

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YOUNG MONEY ENTERTAINMENT, LLC,	:	
	:	
Opposers,	:	
	:	Opposition No.
-against-	:	
	:	
Anthony D. Brownlee,	:	
	:	
Applicant.	:	
-----X		

In the matter of the Application of Anthony D. Brownlee (“Applicant” or “Brownlee”) for registration of the trademark YM YOUNG MONEY ENTERTAINMENT Stylized (“Mark”) which was published in the *Official Gazette* on September 14, 2010, Young Money Entertainment, LLC (“Opposer” or “YME”), a limited liability company organized under the laws of the State of Louisiana, with its principal place of business at c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036, respectfully avers that it will be substantially and irreparably damaged by the registration of the alleged mark YM YOUNG MONEY ENTERTAINMENT Stylized covering “digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring music and videos” in cl. 9 (“cl. 9 Goods”), as shown in Application Serial No. 77/878,225 (“Application”). Accordingly, Young Money Entertainment, LLC hereby opposes the filing and registration of the mark YM YOUNG MONEY ENTERTAINMENT Stylized. As grounds for opposition, it is alleged that:

I. Young Money Entertainment:

1. Young Money Entertainment (hereinafter “YME”) a/k/a Young Mula, a label spun from the successful New Orleans-based label Cash Money Records (hereinafter “CMR”), is a record label under the auspices of Universal Motown Records. Founded in 2003 by Grammy Award-winning, critically-acclaimed, and multi-platinum rap superstar Dwayne Carter a/k/a Lil Wayne, YME produces, distributes, sells, and promotes for some of the most famous and fastest rising rap and hip hop stars in music today.

2. Lil Wayne, President of CMR and Chief Executive Officer of YME, officially signed his first artists, Mack Maine and Gudda Gudda, in 2007. In addition to being a signed artist, Mack Maine also serves as President of YME. In an effort to create a new movement in the music industry, Lil Wayne and Mack Maine collectively launched a comprehensive talent search for gifted rappers, singers, producers, and visionaries to sign to the label.

3. Signed to the YME label, the group *Young Money* is comprised of ten (10) up-and-coming artists who are also signed to YME as solo artists, the specific artists being Mack Maine, Drake, Nicki Minaj, Jae Millz, Tyga, Shanell, Gudda Gudda, Lil Chuckee, Twist, and T-Streetz.

4. Since its inception, YME released seven (7) albums and sold more than six and a half million (6,500,000) copies. YME’s discography includes *inter alia* Lil Wayne’s three time Platinum album *The Carter III* and Drake’s Platinum album *Thank Me Later*. YME also released, as of November 22, 2010, its eighth album, namely, *Pink Friday* recorded by Nicki Minaj, which has been hailed as the one of the most anticipated hip hop albums of the year. In

2010, YME ended up having four of the ten (10) highest 2010 hip hop album sales by virtue of its release of Drake's *Thank Me Later*, Lil Wayne's *Rebirth*, Young Money's *We are Young Money*, and Drake's *So far Gone*.

5. Young Money's first collaborative studio album was entitled *We are Young Money*, which was released in 2009 and reached gold status. Following the release of the album, Young Money embarked on a tour entitled *Young Money Tour* which was performed all over the U.S. and Canada.

6. As a result of the phenomenal success of the YOUNG MONEY ENTERTAINMENT label and the various music artists signed to it, both YME and its artists have received widespread media attention from *inter alia* features in the *New York Times*, *Rolling Stone Magazine*, *Billboard Magazine*, *XXL Magazine*, *Time Magazine*, *Vibe Magazine*, *People Magazine* and other nationally distributed publications. Furthermore, performances, stories and reports about YME and its artists have been featured on shows of major networks and popular television channels such as MTV, VH1, NBC and CBS, just to name a few.

7. YME further promotes its label and artists throughout the United States, via the internet, and through the websites www.weareyoungmoney.com, www.youngmoneymusic.com, Facebook, Twitter and MySpace.

8. YME's artists have dominated the hip hop music industry by virtue of their sold-out concerts, platinum selling albums, solicited and unsolicited media attention, and public and media appearances which span the globe. As such, YME has become so famous such that the public has come to associate YOUNG MONEY solely and exclusively with Opposer.

9. YME has continuously and substantially used YOUNG MONEY ENTERTAINMENT in interstate commerce in connection with music entertainment related goods and services in cls. 9 and 41 (“Goods and Services”) since at least as early as 2003.

10. The Goods and Services branded under YOUNG MONEY ENTERTAINMENT have come to symbolize high quality and distinction in the eyes of the consuming public as a result of YME’s exacting standards, its vigorous and continuous promotion thereof, and widespread media exposure. As a result, the mark YOUNG MONEY ENTERTAINMENT has become well known to the general public and in the trade, and has become distinctively and exclusively associated with YME.

11. As a result of substantial sales and widespread promotion, YME has built up significant goodwill in the mark YOUNG MONEY ENTERTAINMENT.

II. The Application for the Infringing Mark:

12. Six (6) years after YME first commenced use, Applicant filed, on November 21, 2009, an *Intent-to-Use* Application for the mark YM YOUNG MONEY ENTERTAINMENT Stylized covering “digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring music and videos” in cl. 9.

III. Applicant’s Mark is Confusingly Similar to the Mark YOUNG MONEY ENTERTAINMENT:

13. Applicant’s mark YM YOUNG MONEY ENTERTAINMENT Stylized is identical to YME’s mark YOUNG MONEY ENTERTAINMENT including the stylization in which YME uses its mark.

14. The goods in connection with which Applicant seeks to register YM YOUNG MONEY ENTERTAINMENT Stylized, namely musical recordings, are identical to the

Goods and Services in connection with which YME promotes and brands under YOUNG MONEY ENTERTAINMENT.

15. Actual consumer confusion is likely to occur given that Applicant intends to use a designation that is identical to YME's mark and in connection with goods that are identical to YME's Goods and Services.

16. Because YOUNG MONEY ENTERTAINMENT has become exclusively associated with YME and its Goods and Services, Applicant's registration and use of the mark YM YOUNG MONEY ENTERTAINMENT Stylized in connection with the cl. 9 Goods will inevitably cause confusion in the minds of the public, thereby misleading the public to believe that Applicant's goods emanates from YME or that Applicant is in some way associated with or connected to YME, when, in fact, no such relationship exists.

17. In addition, because the mark YOUNG MONEY ENTERTAINMENT is famous, use and registration of YM YOUNG MONEY ENTERTAINMENT Stylized by Applicant will unquestionably dilute YME's mark.

18. In sum, registration of Applicant's mark will likely cause considerable confusion, mistake, deception and/or dilution in view of the facts that:

- (i) Opposer's mark YOUNG MONEY ENTERTAINMENT has been in continuous use since at least as early as 2003, well before Applicant's filing date of the Application;
- (ii) Opposer's mark YOUNG MONEY ENTERTAINMENT is famous and distinctive;
- (iii) the goods applied for by Applicant (musical recordings) are identical to the Goods and Services in connection with which Opposer uses its YOUNG MONEY ENTERTAINMENT brand identifier;
- (iv) Applicant's Mark is both identical and confusingly similar to Opposer's mark YOUNG MONEY ENTERTAINMENT;

- (v) Applicant's Mark suggests a false association with the mark YOUNG MONEY ENTERTAINMENT;
- (vii) Applicant's Mark is deceptively and confusingly similar to Opposer's mark YOUNG MONEY ENTERTAINMENT;
- (viii) Applicant's Mark will dilute Opposer's famous mark YOUNG MONEY ENTERTAINMENT.

WHEREFORE, Opposer prays that the Application, Serial No. 77/878,225, be rejected and that the Mark therein sought for the goods therein specified in International Class 9 be denied and refused.

The fee of \$300.00 for opposition in cl. 9 has been paid electronically through ESTTA.

POWER OF ATTORNEY

Opposer hereby appoints Brad D. Rose, Teresa Lee, Nicole E. Kaplan, Philippe Zylberg and Muzamil A. Huq members of the Bar of the State of New York, whose address is Pryor Cashman LLP, 7 Times Square, New York, New York 10036, (212) 421-4100, as its duly authorized agents and attorneys in this matter to prosecute this Opposition, to transact all business in the Patent and Trademark Office and in the United States Courts in connection with the Opposition, to sign their names to all papers which may be hereinafter filed in connection therewith and to receive all communications relating to same.

Dated: January 11, 2011

Respectfully submitted,

By: 

Brad D. Rose, Esq.

Teresa Lee, Esq.

Pryor Cashman LLP
7 Times Square
New York, New York 10036
(212) 421-4100

Attorneys for Opposer,
YOUNG MONEY ENTERTAINMENT, LLC

Certificate of Mailing by ESTTA

I, Philippe Zylberg, hereby certify that the Notice of Opposition is being filed electronically via ESTTA to: Commissioner for Trademarks, ATT: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451 on the date indicated below.

Date of Deposit: January 11, 2011

Signed: 

Certificate of Service by FEDEX

I hereby certify that a true and correct copy of NOTICE OF OPPOSITION is being served by "FEDEX" and addressed to Applicant, on January 11, 2011 at the address listed below:

Anthony D. Brownlee
849 Rose Ave
Long Beach, CA 90813

Signed: Philippe Zylberg
Name: Philippe Zylberg